

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Satanic Temple, Inc.

Plaintiff

v.

Newsweek Digital LLC

Defendant.

1:22-cv-1343 (MKV)

AMENDED

**THE SATANIC TEMPLE'S
MOTION FOR PARTIAL SUMMARY JUDGMENT
AS TO LIABILITY**

PLEASE TAKE NOTICE that Plaintiff The Satanic Temple, Inc., pursuant to FRCP 56, and upon the accompanying Memorandum of Law, LR 56.1 Statement of Undisputed Material Facts, Declaration of Matt Kezhaya, Declaration of Dr. Joseph Laycock, Declaration of Lucien Greaves, Declaration of Malcolm Jarry, Declaration of Sonia Kezhaya, the documentary exhibits attached to the declarations, the excerpts of depositions attached to the declarations, and all the pleadings and papers previously filed herein, respectfully moves this Court, Honorable Mary Kay Vyskocil, United States District Judge, presiding, for an order granting partial summary judgment as to liability; or to at least streamline the issues for trial.

PLEASE BE ADVISED THAT, pursuant to the Court's Scheduling Order at ECF No. 96, opposition papers, if any, must be electronically filed on or before May 31, 2024.

WHEREFORE Plaintiff prays the Court enter a partial summary judgment as to liability; or at least streamline the issues for trial.

Respectfully submitted on May 17, 2024,

By: /s/ Matt Kezhaya

Matt Kezhaya (# 0402193)



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CERTIFICATE OF SERVICE

NOTICE IS GIVEN that I, Matt Kezhaya, efiled the foregoing document by uploading it to the Court's CM/ECF system on May 17, 2024, which sends service to registered users, including all other counsel of record in this cause. *s/ Matt Kezhaya*

EXHIBIT LIST

Declaration of Matt Kezhaya

1. Subject article (Compl. Ex. 1)
2. Email exchange ending October 29, 2021, 11:04 AM between Nancy Cooper and Julia Duin (Cooper26-27)
3. Email exchange ending October 29, 2021, 12:24 PM between Nancy Cooper and Julia Duin (Cooper37-39)
4. Email exchange ending October 29, 2021, 12:54 PM between Nancy Cooper and Julia Duin (Cooper28-30)
5. Email exchange ending October 29, 2021, 8:31 AM between Nancy Cooper and Julia Duin (Cooper31-32)
6. Email exchange ending October 28, 2021, 2:31 PM between Nancy Cooper and Julia Duin (Cooper48-50)
7. Email dated October 25, 2021, 12:22 PM from Juliana Pignataro to Julia Duin, Dayan Candappa, and Nancy Cooper (DUIN15-001-002)
8. Email exchange ending October 15, 2021, 1:08 PM between Juliana Pignataro and Julia Duin (NEWSWEEK442-443)
9. Four articles by Julia Duin for the Houston Chronicle: *Halloween: The sinister and the saintly/Occult practices embrace a variety of beliefs, rituals*, (October 31, 1987); *Police unable to link crime with Satanism* (October 12, 1989); *DEMONS & DARKNESS/Experts on evil shed light on things that go bump in the night* (October 28, 1989); *Satanism in the United States: a phenomenon on the rise*

- Houston Chronicle* (December 24, 1989), *Houston Chronicle* (JDUIN004-017)
10. Julia Duin, *The Satanic Temple comes to Salem and the Boston Globe does a puff piece* (September 22, 2016) (Duin Depo. Ex. 3)
 11. Julia Duin, *Young Satan worshippers foiled in Florida – but there’s a deeper story here somewhere*, (October 26, 2018) (Duin Depo. Ex. 4)
 12. Julia Duin, *ProPublica punts when digging into why the Family Research Council calls itself a church* (August 18, 2022) (Duin Depo. Ex. 5)
 13. Email exchange ending September 29, 2021, 10:08 AM between Julia Duin and Kevin J. Jones of the Catholic News Agency (JDUIN001-003)
 14. Email dated September 30, 2021, 12:02 PM from Julia Duin to Juliana Pignataro, Dayan Candappa, and Nancy Cooper (NEWSWEEK025)
 15. Email exchange ending October 25, 2021, 1:04 PM between Nancy Cooper, Julia Duin, Dayan Candappa, and Juliana Pignataro (Cooper51-53)
 16. Newsweek’s editorial guidelines (Compl. Ex. 3)
 17. Email exchange ending October 24, 2021, 4:02 PM between Jinx Strange and Julia Duin (NEWSWEEK015-017)
 18. Email exchange ending October 29, 2021, 8:05 PM between Jinx Strange and Julia Duin (DUIN45-001-006)
 19. Email exchange ending October 29, 2021, 7:02 PM between Lucien Greaves and Julia Duin (Compl. Ex. 9)
 20. Email exchange ending October 29, 2021, 8:02 PM between Julia Duin and Kevin J. Jones of the Catholic News Agency (NEWSWEEK 465)
 21. Defendant’s Revised Initial Disclosures
 22. Email exchange ending October 29, 2021, 2:54 PM between Nancy Cooper and Julia Duin (Cooper19-23)
 23. Email exchange ending October 28, 2021, 1:01 PM between Nancy Cooper and Julia Duin (Cooper45-46)
 24. Email exchange ending October 29, 2021, 8:28 AM between Nancy Cooper and Julia Duin (Cooper 40-41)
 25. Email exchange ending October 29, 2021, 3:19 PM between Nancy Cooper and Julia Duin (NEWSWEEK377-378)

26. Email exchange ending October 29, 2021, 5:41 PM between Lucien Greaves and Julia Duin (NEWSWEEK032-037)

27. TST's demand letter to Newsweek (October 30, 2021) (Compl. Ex. 5)

Declaration of Malcolm Jarry

28. Invoice no. 7204 (June 15, 2022)

29. Invoice no. 1001 (July 31, 2022)

30. Invoice no. 1017 (October 5, 2022)

31. Invoice no. 1019 (November 11, 2022)

32. Invoice no. 1023 (December 13, 2022)

33. Invoice no. 1027 (February 27, 2023)

34. Invoice no. 1032 (May 3, 2023)

35. Invoice no. 1034 (May 30, 2024)

36. Invoice no. 1039

Declaration of Joseph Laycock

Declaration of Lucien Greaves

Declaration of Sonia Kezhaya

37. Excerpts from deposition of Nancy Cooper

38. Excerpts from deposition of Julia Duin

39. Excerpts from deposition of Lucien Greaves

40. Excerpts from deposition of David Alan Johnson

41. Excerpts from deposition of Nathan Sullivan

42. Excerpts from deposition of Jinx Strange

43. Excerpts from deposition of Greg Stevens (as 30(b)(6) deponent)